

REMARKS

Applicant's Comments

Claims 1 and 7 have been amended to clarify that the “scoring” system is based on the popularity of a contestant’s profile where such popularity is defined by a combination of the raw 5 number of views of a contestant’s profile along with certain, weighted social networking behaviors which reward the contestant with a higher score. Behaviors such as sending a link to a contestant’s profile to a 3rd party recipient who then visits the contestant’s profile and inviting 3rd party outsiders to become registered users are examples of scoring mechanisms which are unique and non-obvious to the method of game play.

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Claim Objections

Claims 5-6, 9-11, 18, 19, and 20 are objected to under 37 CFR 1.75(c) as being in improper form for multiple dependant claims depending on other multiple dependant claims. Claims 5-6, and 9-11 have been cancelled making traverse of this objection moot. Applicant has amended claims 15 18, 19, and 20 to correct the dependency issues and examination on the merits is now requested. Withdrawal of these objections are respectfully requested.

The numbering of the claims as filed was not in accordance with 37 CFR 1.126. Applicant included a typo that resulted in two claims being numbered as Claim 19. Applicant has cancelled the second, duplicate claim 19. Additionally, Applicant has cancelled other claims, but has not 20 renumbered the remaining claims. Examiner is correct in only treating the first claim 19, the independent claim on its merits. Withdrawal of this objection is respectfully requested.

Rejections Under 35 USC 102

Claims 1 and 12 stand rejected under 35 USC Section 102(e) as being anticipated in view of Yamashita, et al. (U.S. 6,755,743) hereafter referred to as '743. With respect to Claims 1 and 12, Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration and it is not enough that the prior art reference discloses all the claimed elements in isolation, rather anticipation requires disclosure as arranged in the claim. See. *W.L. Gore & Associates v. Garlock, Inc.* Further anticipation will not be found when the prior art is lacking or missing a specific feature or structure of the claimed invention.

With respect to claims 1 and 12, as amended claims 1 and 12 are no longer anticipated by Yamashita. Nowhere does Yamashita disclose the accumulation of points in a game by simply viewing a profile and any of the ancillary means of obtaining points. In fact, the scoring system in Yamashita is entirely dependent on a skill measurement of battling other opponents in an action game setting, and has nothing to do with the amount of visitor traffic generated to a participant's profile. In point of fact, Yamashita specifically teaches away from mere traffic to generate points – scoring is never tied to visits to a user's profile. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 USC 103

Claims 2-4, 7-8, 15-17, and 19 stand rejected under 35 USC Section 103(a) as being unpatentable over Yamashita, et al. (U.S. 6,755,743) 3, in view of Elder, et al. (US 7,249,123), further in view of Roever, et al. (US 2006/0036447).

A prima facie case of obviousness is established when an examiner provides:

1. one or more references
2. that were available to the inventor and

3. that teach
4. a suggestion to combine or modify the references,
5. the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.

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Accordingly, an applicant who is able to prove that the Examiner has failed to establish any one of these elements will prevent the *prima facie* case of obviousness from being established.

With respect to claims 2-4, 7-8, 15-17, and 19, the claims as amended define an invention
10 that is non-obvious over Elder et al (U.S. Patent 7,249,123) to Yamashita, or to Roever et al (US
2006/0036447) to Yamashita. Neone of the references teach or suggest the specific combination
recited in the claims. In fact, Elder teaches away from Applicant's invention in col.2 lines 33-47
by focusing on the topology of a social network and never once mentions ranking participants by
visitors to a participant's profile within the social network. Meanwhile, Roever, while
15 incorporating email references, never once contemplates ranking participants within a network
system based upon the visitor traffic to a participant's contact profile.

Applicant was the first to recognize the advantage of combining a multi-user network
game with the ability compete based primarily on rankings tied to visitor traffic generated to a
user's profile. By combining the elements as Applicant has, a new and unexpected result has
20 been achieved. That is, users are now engaged in a contest to determine how popular their
profile is to other users, with a built in tracking system to record and report relative traffic.

The results produced by Applicant's invention have been long sought after by those
skilled in the art, but up until Applicant's invention the results have been unobtainable.

Withdrawal of these rejections are respectfully requested.

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CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

In the event that an extension of time is required, or may be required in addition to that
5 requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely.

Respectfully submitted,



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Date: June 2, 2008

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